



January 22, 2008

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## HOUSE BILL No. 1179

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DIGEST OF HB 1179 (Updated January 17, 2008 12:00 pm - DI 97)

**Citations Affected:** IC 24-1.

**Synopsis:** Recovery for restraint of trade. Authorizes the attorney general to bring suit on behalf of the state or a political subdivision to recover direct or indirect damages suffered by the state as the result of certain unlawful acts in restraint of trade. Provides that a prevailing plaintiff is also entitled to treble damages and reasonable costs and attorney's fees.

**Effective:** July 1, 2008.

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### Moses, Murphy, Robertson

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January 14, 2008, read first time and referred to Committee on Commerce, Energy and Utilities.  
January 22, 2008, reported — Do Pass.

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HB 1179—LS 6895/DI 106+



January 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1179

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A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 24-1-1-5.1 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2008]: **Sec. 5.1. The attorney general may bring an action on**  
4       **behalf of the state or a political subdivision (as defined in**  
5       **IC 34-6-2-110) for injuries or damages sustained directly or**  
6       **indirectly as a result of a violation of this chapter.**

7       SECTION 2. IC 24-1-1-5.2 IS ADDED TO THE INDIANA CODE  
8       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9       1, 2008]: **Sec. 5.2. (a) The attorney general may bring an action in**  
10       **a county on behalf of the state or a political subdivision (as defined**  
11       **in IC 34-6-2-110) for injuries or damages sustained directly or**  
12       **indirectly as a result of a violation of this chapter.**

13       **(b) An action brought under this section may be brought,**  
14       **without respect to the amount in controversy, in a circuit or**  
15       **superior court in a county in which the defendant resides or is**  
16       **engaged in business, or in which service may be obtained.**

17       **(c) The plaintiff in an action brought under this section is**

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entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.

SECTION 3. IC 24-1-2-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.**

SECTION 4. IC 24-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a) Any person who shall be injured in his whose business or property is directly or indirectly injured by any person or corporation by reason of the doing by any person or persons of anything forbidden or declared to be unlawful by a violation of this chapter may sue therefor bring an action in the circuit or superior court of any county in which the defendant or defendants or any of them, reside resides or are is found without respect to the amount in controversy, and shall is entitled to recover a penalty of threefold the damages which may be sustained awarded in the action, together with the costs of suit, including a reasonable attorney's fee: fees.**

**(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.**

SECTION 5. IC 24-1-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a:**

**(1) contract or combination described in section 1 of this chapter; or**

**(2) violation of this chapter.**

SECTION 6. IC 24-1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4. (a) Any person who shall, by any such has suffered injuries or damages as a result of a contract or combination as set out described in section 1 of this chapter, be injured or damaged in his business thereby; or by reason of anything forbidden or declared by this chapter to be unlawful, may maintain a suit therefor in any or by any other violation of this chapter, may bring an action in a circuit or superior court having jurisdiction thereof in the county where the defendant resides or in which he is engaged in business, or in any county where service may be obtained, without respect to the amount in controversy. and the The plaintiff in any such an action**

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brought under this section shall be is entitled to recover all his  
 threefold damages awarded in the action, plus reasonable costs and  
 a reasonable attorney's fee fees. therein.

(b) The attorney general may bring an action under this section  
 on behalf of the state or a political subdivision.

SECTION 7. IC 24-1-4-4 IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Any person or persons or  
 corporations that may be injured or damaged by any such who has  
 suffered injuries or damages as a result of an arrangement, contract,  
 agreement, trust, or combination described in section 1 of this chapter  
 may sue for and recover bring an action in any court of competent  
 jurisdiction in this state of any person, persons, or corporations  
 operating such trust or combination to recover the full consideration  
 or sum paid by him or them the person for any goods, wares or  
 merchandise, or article the sale of which is controlled by such the  
 combination or trust. In addition, the person is entitled to recover a  
 penalty of threefold the damages awarded in the action, plus  
 reasonable costs and attorney's fees.

(b) The attorney general may bring an action under this section  
 on behalf of the state or a political subdivision.

SECTION 8. IC 24-1-4-5 IS ADDED TO THE INDIANA CODE  
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 1, 2008]: Sec. 5. The attorney general may bring an action on  
 behalf of the state or any political subdivision (as defined in  
 IC 34-6-2-110) that has been directly or indirectly injured or  
 damaged by:

- (1) an arrangement, agreement, trust, or combination  
 described in section 1 of this chapter; or
- (2) any other violation of this chapter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CROOKS, Chair

Committee Vote: yeas 11, nays 0.

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